

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CALVIN L. EL BEY SHARP,

Petitioner,

v.

JEFF LYNCH, Warden, et al.,

Respondents.

Case No. [23-cv-02615-YGR](#) (PR)**ORDER OF TRANSFER**

Petitioner, a state prisoner, has filed a *pro se* petition for a writ of habeas corpus. He has also filed motions for leave to proceed *in forma pauperis* (“IFP”) and a motion for appointment of counsel.

Federal statute allows “the Supreme Court, any justice thereof, the district courts and any circuit judge” to grant writs of habeas corpus “within their respective jurisdictions.” 28 U.S.C. § 2241(a). A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. *Id.* § 2241(d). Where a case is filed in the wrong venue, the district court has the discretion to transfer it to the proper federal court “in the interest of justice.” *See* 28 U.S.C. § 1406(a).

Here, petitioner challenges a conviction and sentence incurred in the Ventura County Superior Court, which is in the venue of the Central District of California. *See* 28 U.S.C. § 84. Accordingly, that is the proper venue for this action.

Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice, the Clerk of the Court is ordered to TRANSFER this action forthwith to the Western Division of

the United States District Court for the Central District of California. All remaining motions are TERMINATED on this Court's docket as no longer pending in this district, including petitioner's motions for leave to proceed IFP and his motion for appointment of counsel. Dkts. 8, 10, 15.

**IT IS SO ORDERED.**

Dated: September 28, 2023

  
JUDGE YVONNE GONZALEZ ROGERS  
United States District Judge

United States District Court  
Northern District of California